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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FERNANDO TAPIA-MORALES,

Defendant.

CASE NO.: 2:22-mj-00026-DJA USA

ORDER TO CONTINUE TRIAL
(First Request)

IT IS HEREBY STIPULATED AND AGREED, by and between ANGELICA MARMORSTEIN, ESQ., Acting United States Attorney, counsel for the United States of America, and ERICK M. FERRAN, ESQ., counsel for Defendant FERNANDO TAPIA-MORALES, that the Trial date in the above-captioned matter, currently set for July 6, 2022, at 9:00 a.m., be continued for sixty (60) days or to a time convenient to this Honorable Court.

This stipulation is entered into for the following reasons:

1. Counsel for the Defendant needs additional time to prepare for trial in the case, including conducting legal research and review of the discovery. The Parties also need additional time to continue exploring full resolution of the matter without going to trial;

2. Defense Counsel and Assistant United States attorney are currently in negotiations;
3. Defendant Tapia-Morales is not in custody and does not object to the continuance.
4. All parties involved agree to the continuance.
5. This is the first request for a continuance of trial.
6. Denial of this request for continuance would result in a miscarriage of justice.
7. This request for a continuance is made in good faith and is not intended to delay the proceedings in this matter.
8. The additional time requested by this stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A), when considering the factors under 18 U.S.C. §§ 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).
9. For all the above-stated reasons, the ends of justice would be best served by a continuance of the trial date.

DATED this 1st day of July, 2022

/s/ Erick M. Ferran, Esq.
ERICK M. FERRAN, ESQ.
Counsel for Defendant

/s/ Angelica Mamorstein, Esq.
ANGELICA MAMORSTEIN, ESQ.
Assistant United States Attorney

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FERNANDO TAPIA-MORALES,

Defendant.

CASE NO.: 2:22-mj-00026-DJA USA

ORDER TO CONTINUE TRIAL

FINDINGS OF FACT

Based on the pending Stipulations of the parties, and good cause appearing therefore, the Court finds that:

1. Counsel for the Defendant needs additional time to prepare for trial in the case, including conducting legal research and review of the discovery. The Parties also need additional time to continue exploring full resolution of the matter without going to trial;
2. Defendant TAPIA-MORALES is not in custody and does not object to the continuance;
3. All parties involved agree to the continuance;
4. This is the first request for a continuance filed herein;
5. Denial of this request for continuance would result in a miscarriage of justice.
6. This request for a continuance is made in good faith and is not intended to delay the proceedings in this matter.
7. The additional time requested by this stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18

U.S.C. §§ 3161(h)(7)(A), when considering the factors under 18 U.S.C. §§ 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

CONCLUSIONS OF LAW

1. The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.
2. This request for a continuance is made in good faith and is not intended to delay the proceedings in this matter.
3. The additional time requested by this stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A), when considering the factors under 18 U.S.C. §§ 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).
4. For all the above-stated reasons, the ends of justice would be best served by a continuance of the trial date.

ORDER

IT IS ORDERED that the trial scheduled for July 6, 2022, at 9:00 a.m., be continued.

IT IS FURTHER ORDERED that the Trial in this matter be scheduled for October 19, 2022, at 9:00 a.m., Courtroom 3A.

5th July
DATED this ____ day of _____, 2022.



UNITED STATES MAGISTRATE JUDGE
DANIEL J. ALBREGTS